

REMARKS

By this paper, Applicant has amended Claims 1, 2, 24, 26, 33, and 35-48. Hence, Claims 1-48 remain pending and are presented for further examination.

I. Rejection of Claims 2, 6-7, 9-10, 13, 19, 21-22, 24-25, and 33-34 under 35 U.S.C. § 102(b)

In paragraph 2 of the Office Action, the Examiner rejected Claims 2, 6-7, 9-10, 13, 19, 21-22, 24-25, and 33-34 as being anticipated under 35 U.S.C. § 102(b) in view of U.S. Patent No. 7,034,092 to Tajima. However, for the reasons set forth below, Applicant submits that Claims 2, 6-7, 9-10, 13, 19, 21-21, 24-25, and 33-34 are in condition for allowance.

In particular, Applicant respectfully submits that Tajima merely discloses a rail having rail sections that “make[] up part of the frame with four sides of the image display apparatus.” *Tajima*, col. 13, lines 38-40 and Figure 7. As illustrated in Figure 7 of Tajima, a speaker can be attached to respective rail sections on each side of the display apparatus. *Tajima*, Figure 7.

During a telephonic interview with the Examiner, the Examiner suggested amending the claims to recite that the claimed audio visual modules are attached to a surface that is not the surface of the display, e.g., that the rail is attached to a surface that is separate from the surfaces of the display. As discussed in further detail below, Applicant has adopted variations of that suggestion with respect to independent Claims 2, 24, 33.

In particular, Claim 2, as amended, recites “a rail wherein the rail is configured to be attached to a surface other than surfaces of the display, and wherein the rail is configured to receive the module at a plurality of locations along the rail.” (emphasis added). In contrast, the rail of Tajima, as illustrated in Figure 7 of Tajima, is covered by an attached speakers such that Tajima could not be reasonably read to disclose a rail that is also “configured to be attached to a surface other than surfaces of the display” as recited by Claim 2. As Tajima neither teaches nor otherwise suggests at least this feature, Applicant submits that Tajima fails to anticipate Claim 2. Hence, Applicant submits that Claim 2, as amended, is patentable for at least this reason.

Claim 24, as amended, recites a method comprising “securing a rail to the surface” wherein “the surface is separate from the display.” For at least the reasons discussed in more detail with reference to Claim 2, Applicant submits that Claim 24 is also patentable.

Claim 33, as amended, recites “a rail having mounting locations for audio-visual components and configured to be attached to a surface other than surfaces of the display.” For at

least the reasons discussed in more detail with reference to Claim 2, Applicant submits that Claim 33 is also patentable.

Further, as each of Claims 6-7, 9-10, 13, 19, 21, 22, 24-25, and 34 depends from one of Claims 2, 24 or 33, Applicant submits that Claims 6-7, 9-10, 13, 19, 21, 22, 24-25, and 34 are patentable for at least the same reasons.

II. Rejection of Claims 1, 3-5, 23, 26-31, 35-48 under 35 U.S.C. § 103(a)

In paragraph 4 of the Office Action, the Examiner rejected Claims 1, 3-5, 23, 26-31, 35-48 as being obvious in view of Tajima and U.S. Patent No. 6,298,942 to Schlattmann, et al. ("Schlattmann"). In particular, the Examiner took the position that Tajima disclosed all elements of each claim except that "Tajima fail[s] to disclose [a cover]" as recited in each of Claims 1, 3-5, 23, 26-31, 35-48. For the reasons set forth below, Applicant respectfully disagrees and submits that Claims 1, 3-5, 23, 26-31, 35-48 are in condition for allowance.

Claim 1, as amended, recites a "modular mounting bar for securing components for use with a display to a surface separate from the display" comprising a "rail configured to be attached to the surface." As discussed above with reference to Claim 2, Applicant submits that Tajima fails to teach or suggest at least a "rail configured to be attached to the surface [that is separate from the display]." Moreover, Applicant submits that the other cited references, including Schlattmann also fail to teach or render obvious at least this feature of Claim 1. Hence, Applicant submits that Tajima and Schlattmann, alone or in combination, fail to render Claim 1 obvious.

Claim 26 recites "a rail wherein the rail is configured to be attached to a surface other than surfaces of the display." Hence, as discussed above with reference to Claims 1 and 2, Applicant submits that Tajima and Schlattmann, alone or in combination, fail to render Claim 26 obvious.

With reference to Claim 35, Applicant notes that Claim 35 does not recite attachment to a surface separate from the display as discussed above with respect to the other claims. However, Applicant submits that independent Claim 35 is patentable because Claim 35, for example, recites "a rail having a length no greater than the display width, wherein the length of the rail is greater than the width of each of the modules, wherein the rail has a plurality of mounting holes at each of a plurality of module mounting locations to match module mounting to display width" (emphasis added). Applicant submits that nowhere does Tajima (or the other cited references)

disclose such a rail. In particular, the rail of Tajima has a length less than, and thus not “greater than the width of each of the modules.” Moreover, as illustrated in Figure 7 of Tajima, Tajima discloses an apparatus in which each speaker is attached to the rail so as to match the length/width of the display. Accordingly, Applicant submits that Tajima fails to disclose an apparatus in which “each of the modules is configured to be attached to the rail at a respective one of the module mounting locations” as recited in Claim 35 as each of Tajima’s rails only support attachment of a single speaker. Further, Applicant submits that none of the other cited references recite at least these features of Claim 35, as amended. Accordingly, Applicant submits that Tajima and Schlattmann, alone or in combination, fail to render at least Claim 35 obvious for at least this reason.

As each of Claims 3-5, 23, 27-31, and 36-48 depend from one of independent Claims 2, 24, 26, or 35, Applicant submits that those claims are patentable for at least the reasons discussed above with respect to independent Claims 2, 24, 26, and 35.

III. No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the applied references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

IV. Conclusion

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

Any remarks in support of patentability of one claim should not be imputed to any other claim, even if similar terminology is used. Additionally, any remarks referring to only a portion of a claim should not be understood to base patentability on solely that portion; rather, patentability must rest on each claim taken as a whole. Applicant respectfully traverses each of the Examiner's rejections and each of the Examiner's assertions regarding what the prior art discloses or teaches, even if not expressly discussed herein. Although changes to the claims have been made, no acquiescence or estoppel is or should be implied thereby; such amendments are made only to expedite prosecution of the present application and are without prejudice to the presentation or assertion, in the future, of claims relating to the same or similar subject matter.

Applicant has not presented all arguments concerning whether the applied references can be properly combined in view of the clearly missing elements noted above, and Applicant reserves the right to later contest whether a proper reason exists to combine these references and to submit evidence relating to secondary considerations supporting the non-obviousness of the devices and methods recited by the pending claims.

Any claim amendments which are not specifically discussed in the above remarks are not made for patentability purposes, and it is believed that the claims would satisfy the statutory requirements for patentability without the entry of such amendments. Rather, these amendments have only been made to increase claim readability, to improve grammar, and to reduce the time and effort required of those in the art to clearly understand the scope of the claim language.

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The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicants' attorney in order to resolve such issue promptly. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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